United Nations CERD/C/SR.2425

International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
6 May 2016

Original: English

Committee on the Elimination of Racial Discrimination
Eighty-ninth session

Summary record of the 2425th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 27 April 2016, at 10 a.m.

Chair: Ms. Crickley

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***Combined twenty-first to twenty-third periodic reports of Spain* (continued)**

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twenty-first to twenty-third periodic reports of Spain (continued) (CERD/C/ESP/21-23; CERD/C/ESP/Q/21-23 and HRI/CORE/ESP/2015)

1. *At the invitation of the Chair, the delegation of Spain took places at the Committee table.*

2. **Ms. Mingulto Gil** (Spain) said that migrant holding centres had been set up under Organic Act No. 2/2009 to house foreign nationals awaiting expulsion or return to their countries of origin. The centres were not detention facilities; irregular migrants were placed therein as a preventive, precautionary measure and could be held for a maximum of 60 days. There were also two temporary migrant reception centres in Ceuta and Melilla. Those centres provided basic social services to migrants, including health-care services, psychological support, legal advice, interpretation services and assistance in integrating into Spanish society. In 2014, the two centres had received 8,555 persons. The number had risen to 13,076 in 2015, exceeding capacity by 127 per cent at the Ceuta facility and 325 per cent at the Melilla facility. In general, persons were held at the centres for between 2.5 and 3.5 months.

3. Under domestic law, all foreign minors housed at the centres enjoyed the same access to education as Spanish children. In 2015, a total of 1,324 requests for education had been submitted in the Melilla centre. However, owing to the short duration of stays at the centre, only 48 children were currently receiving education.

4. **Mr. Cereceda Fernández-Oruña** (Spain) said that, within the framework of the European Union, Spain had adopted a response to the current migration crisis that reflected solidarity both with populations that had been forced to flee their countries of origin and with the other European countries attempting to accommodate them. It had put in place a comprehensive policy based on the four pillars of the European agenda on migration — reduction of incentives for irregular migration, border management, a common asylum policy and a new policy on legal migration — together with the relocation and resettlement of refugees as part of the European Union-wide plan to tackle the migration crisis and the adoption of a flexible approach based on respect for human rights. The policy also took account of the need to address the factors giving rise to migration. Spain had promoted the creation of the Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa.

5. In the light of the European Union-Turkey statement of 18 March 2016 on the migration crisis, a number of Spanish law enforcement officials and experts would be seconded to the European Union to assist with asylum support and border management. The Office for Asylum and Refugees of the Ministry of Internal Affairs had been designated the national contact point for migration issues, and a liaison unit had been set up within the Spanish embassy in Ankara. Spain had undertaken to resettle 1,449 persons and to relocate approximately 15,800. A national plan on resettlement had been adopted in late 2015, which provided for 854 places, of which 258 would be available by June 2016, and the budgets and staffing levels of the relevant government ministries had been significantly increased to cover the work involved. An inter-ministerial commission had been set up to coordinate government efforts to meet the needs of refugees and to cooperate with civil society groups, NGOs and the Office of the United Nations High Commissioner for Refugees.

6. Domestic legislation had recently been introduced with a view to further safeguarding the rights of persons housed in migrant holding centres, including through

strengthening of judicial oversight. Under Organic Act No. 4/2000 on the rights and freedoms of foreigners in Spain and their social integration, foreign nationals could only be placed in migrant holding centres following a ruling issued by an investigating judge. Moreover, a second tier of judges monitored respect for the rights of such persons, heard their complaints and carried out inspections where necessary. Residents could lodge complaints and appeals with the competent administrative or judicial bodies. Requests and complaints could also be addressed to the Ombudsman. Persons held in such facilities could contact and receive visits from national and international NGOs. They were provided with information on their rights in a number of languages and could contact representatives of the Office of the United Nations High Commissioner for Refugees.

7. Medical staff provided on-site health-care services in migrant holding centres, and patients could be transferred to a hospital where necessary. In 2014, the Government had signed an agreement with the Spanish Red Cross for the provision of humanitarian and social assistance in each centre, including legal advice on obtaining international protection, and had allocated funding for that purpose. Agreements were also to be signed with law firms for the provision of legal advice. Christian and Muslim bodies provided spiritual guidance in centres. In 2015, the average length of stay in migrant holding centres had been 24 days. In 2014 and 2015, the average occupancy rate in the centres had been less than 50 per cent of full capacity, and in earlier years it had never exceeded 68 per cent.

8. Basic training programmes for Civil Guard and police officials covered issues relating to human rights, hate crimes, racism, xenophobia, trafficking in persons and legislation on discrimination. Specialized training in that regard was also provided to victim-support and hate-crime units.

9. **Ms. Camy Gavilanes** (Spain) said that the provision on denial of entry at the border in Organic Act 4/2015 on the protection of public safety had in fact strengthened legal safeguards for migrants, ensuring their right to apply for international protection and asylum. The provision in question only covered the border fences surrounding Ceuta and Melilla, where the authorities had to deal with significant flows of migrants and sometimes violent attempts to enter Spanish territory illegally. Two border posts had been set up, one at Ceuta and one at Melilla, where migrants could lodge applications for asylum or international protection. The posts were accessible from Moroccan territory on an unrestricted basis and were staffed by lawyers, interpreters and representatives of NGOs. The establishment of the border posts had been welcomed by a representative of the Office of the United Nations High Commissioner for Refugees, the Ombudsman and the European Commission. The latter had considered that, because migrants could apply for international protection at the border, the principle of non-refoulement was not being violated.

10. It was worth noting that there was no international treaty or any provision of international or domestic law guaranteeing free entry to a country for foreign nationals at border posts where officials were not authorized to allow such persons to enter. It was also important to make a clear distinction between legal and illegal entry. A number of agreements had been signed with other countries providing for legal entry into Spain. All States had an obligation to safeguard their borders and their sovereignty and to prevent illegal practices such as smuggling or trafficking of migrants.

11. Act No. 19/2015 had modified the procedure and standardized the criteria for obtaining Spanish nationality through residence. Applicants were required to demonstrate adequate Spanish language skills and knowledge of Spanish society and culture. The exam questions were published to enable them to prepare; where applicants provided expired or incomplete documents, they were given time to obtain new documents; and the application procedure had been computerized and simplified. As a result, the number of rejected applications had fallen from 26 per cent in 2014 to 16 per cent in 2015.

12. *Amparo* appeals were intended to protect fundamental constitutional rights and freedoms, including the principle of equality and non-discrimination on the grounds of racial origin, sex, age or religion, which was enshrined under article 14 of the Constitution. Foreign nationals, including those in irregular situations, could lodge such appeals and had the right to effective legal protection and free legal assistance.

13. **Ms. Sepúlveda García de la Torre** (Spain) said that an exhaustive inquiry lasting more than 20 months had been carried out into the events of 6 February 2014 at El Tarajal beach, Ceuta, and into allegations that Civil Guard officers were guilty of negligent homicide and injury and of professional misconduct. On 15 October 2015, the charge of misconduct had been fully dismissed, while the charge of negligent homicide and injury had been provisionally dismissed pending receipt of a response from the Moroccan authorities to a request for autopsy reports for the victims recovered from Moroccan waters. To date, that response had not been received. The inquiry had found that the Civil Guard officials had used anti-riot gear in line with official regulations and protocols. The migrants concerned had not been persons found at sea and in need of assistance within the meaning of the relevant international conventions, but rather persons who had attempted to enter Spanish territory illegally, wilfully ignoring the instructions of the Moroccan and Spanish officials present at the time. Moreover, the persons who had drowned had jumped into the sea fully clothed at night after a tiring journey. According to forensic experts, only a few of the victims' injuries could have been caused by the impact of rubber bullets fired by the Civil Guard officers. An appeal had been lodged against the closing of the case and a final ruling had not yet been issued.

14. **Mr. Aya Onsalo** (Spain) said that the amendments to the Criminal Code had come into force in 2015, thereby clarifying and expanding the definition of concepts such as "hate crime", "racism" and "incitement to hatred". The punishment for such offences had also increased in severity. The use of the Internet or social media to commit such crimes had been criminalized and anyone found guilty of doing so could be barred from future access to the Internet or other electronic means of communication. Furthermore, the denial of genocide was punishable by law under the amended Code. Persons who had committed hate crimes or similar offences could be barred from working in education or leisure facilities where they might indoctrinate young people with hateful and discriminatory ideas.

15. The amendments to the Criminal Code had also expanded the scope of crimes classified as acts of terrorism, in keeping with Security Council resolution 2178 (2014), which called on Member States to take measures to prevent movements of terrorists. Accordingly, the act of travelling to a foreign country controlled by terrorist groups for collaborative purposes had been criminalized.

16. **Mr. Machimbarrena Cuerda** (Spain) said that the decision to use the term "Gypsy" in Spain, rather than the internationally preferred term "Roma" reflected a desire to preserve the traditional term. The term had no negative connotations and was used by the Gypsy community itself. In international contexts, however, Spanish officials generally used the term "Roma" instead.

17. The majority of Gypsies were socioeconomically and culturally well integrated in Spanish society. Disadvantaged members of the Gypsy community benefited from the same public policy measures as other disadvantaged members of the Spanish population, but special measures had also been put in place to meet the specific needs of the Gypsy community. Those measures had been well received and had contributed to exponential improvements in the living conditions of the Gypsy population since 1989. The Strategy for the Social Inclusion of the Gypsy Population, a core public policy instrument, was being implemented through an operational plan covering the period 2014-2016. Measures were being carried out at the national, regional and municipal level. The implementation rate in

2015 had been 90 per cent. That figure had been confirmed by the European Union Agency for Fundamental Rights.

18. Despite the financial crisis, net public investment in policies for the Gypsy community had been maintained. Where cuts had been unavoidable, they had been offset by funding from the European Social Fund. Nevertheless, the living conditions of the Gypsy community had worsened in some respects as a result of unemployment caused by the financial crisis. A midterm evaluation of the Strategy for the Social Inclusion of the Gypsy Population would be conducted in 2016 to identify needed corrective action. With regard to representation, the State Council of the Gypsy People, had been set up in 2005 to facilitate participation by members of the Gypsy community in the design of policies to benefit Gypsies.

19. A distinction was made between Spanish Gypsies and those of Eastern European origin. Although the national strategy was intended to benefit both groups equally, it was recognized that the latter required more support with regard to language, employment, health and education. A seminar was being planned for November 2016 to identify specific measures to address those needs.

20. Gypsies were not legally recognized as an ethnic minority, as the Gypsy population itself was not in favour of being labelled as such because it might hinder integration. As for education, almost 100 per cent of Gypsy children attended school, although efforts were needed to reduce truancy and dropout rates at the secondary level. Regarding gender-based violence, Gypsy women had access to the same social support services available to the rest of the population. Several studies had been carried out with a view to designing a specific protocol for addressing the issue of gender-based violence in Gypsy communities.

21. **Ms. Candela Quintanilla** (Spain) said that the "Map of Discrimination in Spain" was one of several initiatives designed to enhance understanding of discrimination in Spanish society and to identify related needs and resources at the local level. Various government departments and ministries were working together to establish policies and undertake activities for the prevention and detection of racism, xenophobia and racist discourse. For instance, awareness-raising campaigns had been organized for university students of journalism in Madrid. In addition, the Council for the Promotion of Equal Treatment and the Prevention of Discrimination based on Racial or Ethnic Origin had published a recommendation concerning the portrayal of Gypsies in the press and adopted a proposal aimed at preventing the use of discriminatory or racist speech in electoral campaigns.

22. The Government sought to emphasize the importance of the population of African descent in Spain and to put in place policies that strengthened support for Afro-descendants. It also supported civil society initiatives such as the World Conference AFROMADRID held in 2015, the focus of which had been recognition and justice for members of the African diaspora. Topics discussed had included hate crimes and victim support.

23. **Ms. Iturzaeta Manuel** (Spain) said that integration was one of the central pillars of the State party's migration policy. In her view, Spain had avoided the problems that other countries were currently experiencing as a result of its integration policies, which had a strong protective dimension, including special assistance for especially vulnerable groups of migrants. Between 2013 and 2015, the budget for integration policies had increased thanks to European funding. Financial assistance had been provided to civil society organizations working to improve the employability of migrants and to organizations that offered legal, psychological and language support to migrants. Funds had also been earmarked for programmes to assist unaccompanied minors, for humanitarian aid and health services for migrants and for immigration and refugee reception centres. Prevention of racism and discrimination was also a part of the country's integration policies, and

funding had been allocated for programmes to combat racism in schools and universities, for research on racial discrimination and for victim support.

24. Discrimination in the housing sector was a crucial obstacle to integration. The State plan on the promotion of the housing rental market, building rehabilitation and urban regeneration and renovation 2013-2016 sought to improve access to housing for low-income households. Benefits under the programme were available equally to Spanish citizens and to non-citizens residing legally in Spain. Programmes had also been implemented to enable victims to report incidents of discrimination in the housing sector, and efforts were being made to raise awareness of and prevent such discrimination.

25. **Mr. Guirao García** (Spain) said that all foreign nationals residing legally in Spain had access to public health-care services, as did victims of human trafficking and migrants requesting international protection. Persons with an irregular administrative status were entitled to free emergency health care and to antenatal, delivery and post-partum care. Non-nationals under the age of 18, regardless of immigration status, received the same health care as Spanish nationals. Programmes were in place at the regional level to provide health care to older persons whose situation was irregular and who lacked sufficient economic resources.

26. **Mr. López Soto** (Spain) said that the national school curriculum included instruction relating to Afro-descendants and their contribution to Spanish society. Students at the secondary level were taught about the Spanish colonization of the Americas and colonial life, the colonization and decolonization of Africa, the transatlantic slave trade and the cultural contribution of the African diaspora.

27. Organic Act No. 8/2013 on improving the quality of education underscored the importance of non-discrimination and universal access to education. The dropout rate among Gypsies and other ethnic communities had declined as a result of the implementation of changes introduced pursuant to the Act, including flexible schedules for students and individualized attention for those diagnosed with learning disabilities. The Act also envisaged the formulation of the plan for coexistence in schools mentioned in the previous meeting. The plan was intended to promote peaceful coexistence and prevent violence, including gender-based violence.

28. **Ms. Gómez López** (Spain) said that the Government of Spain was aware of the debate taking place within the Caribbean Community regarding the victims of slavery. It was important to note that the slave trade predated the creation of the international system for the protection and promotion of human rights. In her view, the best way to deal with the issue at present was to commemorate its victims and to prevent any recurrence of slavery. To that end, Spain had helped to fund the construction of a permanent monument in New York and had put in place a legal framework for the protection of human rights. It had also contributed to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and was actively involved in work on the Durban Declaration and the International Decade for People of African Descent.

29. A plan on business and human rights had been formulated with a view to ensuring the application of the United Nations Guiding Principles on Business and Human Rights. The plan, which was awaiting adoption, highlighted the importance of dialogue with indigenous communities in Latin America.

30. **Mr. Murillo Martínez** (Country Rapporteur) said that there was a discrepancy between the information provided by the State party and other information received by the Committee, particularly with regard to the concerns raised by the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance about conditions in migrant holding centres, including problems of sexual abuse; delays of two to five years or more in processing asylum requests for persons

in Ceuta and Melilla and excessively long stays in the temporary centres. The Committee would appreciate more information on those issues as well as on the law on equal treatment, the law on protection of public safety, implementation of the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance and formulation of a new human rights plan. He asked whether Royal Decree-Law No. 16/2012 would be reviewed to ensure humanitarian assistance for non-citizen minors and pregnant women. More information would also be appreciated on measures to deal with unaccompanied minors, particularly procedures for determining their age.

31. **Ms. McDougall** said that she remained concerned about the situation of the Roma and Afro-descendant populations. The delegation had mentioned numerous programmes and measures to improve the lot of the Roma, but information received from Roma groups indicated that their situation had in fact worsened. She wondered whether the delegation could provide specific data on the effectiveness of government initiatives designed to benefit the Roma.

32. **Mr. Yeung Sik Yuen** said that the Committee had received reliable information indicating that there were long delays in processing requests for asylum. The first decisions concerning some asylum seekers from Mali, for example, had been taken in March 2014, two years after they had entered the country. Because the security situation in southern Mali had by that time improved, their claims had been denied. In 2015, all 337 asylum requests from Malians from the south of Mali had been denied. Asylum requests from persons from the north of Mali, where the security situation was still precarious, remained pending.

33. Regarding the incident at El Tarajal beach in February 2014, he wondered how the Civil Guard officers could have had authority to fire rubber bullets if the migrants were in Moroccan territory, and he questioned whether the decision to fire, albeit with rubber bullets, had been called for. Since rubber bullets were not designed to kill, a charge of manslaughter might have been too harsh, but the officers involved should have been held to account for their actions. He asked whether any further investigation or action was envisaged with regard to the incident.

34. **Ms. Mingulto Gil** (Spain), noting that the report of the Special Rapporteur mentioned by Mr. Murillo Martínez had been published in 2013, said that significant resources had been allocated in recent years to address the increased influx of migrants and meet the country's obligations regarding persons seeking international protection, for example migrants from Syria. That had led to a reduction in the time spent by migrants in holding centres in Ceuta and Melilla and quicker transfer to the mainland. Current waiting times in the centres ranged from 2 to 3 months. She agreed that processing times of 2 to 3 years for asylum requests were too long, but pointed out that such requests required substantial documentation, verification and investigation. Additional resources would be allocated to those efforts in 2016 to speed up the processing of requests. She would ensure that the Committee received additional information on the situation of asylum seekers from Mali.

35. **Ms. Candela Quintanilla** (Spain) said that, while work on the new law on equal treatment and non-discrimination had been suspended, it was expected to resume in the next legislative session. The suspension did not mean, however, that the Spanish Government had ceased to take action to combat discrimination, as was evident from the amendments to the Criminal Code and other legislative measures.

36. **Ms. Gómez López** (Spain) said that the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance provided a framework for the development of long-term plans and mechanisms that would vary over time to meet the changing needs of Spanish society. A report on the results of the Human Rights Plan of 2009 had been submitted to the parliament in December 2012, following which the Centre

for Political and Constitutional Studies had been mandated to undertake consultations on the development of a new plan. Ministries had designated focal points for recommendations regarding next steps. The working group on the new plan had completed a draft, which would be reviewed during the next legislative session.

37. **Mr. Aya Onsalo** (Spain) said that a protocol for the treatment of unaccompanied minors existed. All government institutions were required to determine and verify the age of a minor on the basis of the documentation available; if that documentation was insufficient, a medical examination could be performed to determine the person's age upon request by a judge or prosecutor. However, the individual must consent to a medical examination.

38. **Mr. Machimbarrena Cuerda** (Spain) said that it was difficult to assess the results of programmes designed to assist the Gypsy population as there was no accurate census of that population and the various programmes covered a wide variety of areas and objectives. Moreover, thorough analysis of the results of programmes was costly. Nevertheless, the Government intended to carry out an evaluation of the impact of the Strategy for the Social Inclusion of the Gypsy Population in June 2016. The evaluation would cover the period from the Strategy's launch in 2010 to the end of 2015.

39. As for reports that Gypsies felt that their situation had worsened, he suggested that the main problem was a lack of jobs, a problem not unique to the Gypsy population; the economic crisis had significantly reduced employment opportunities for the entire population. Despite the crisis, however, the Government had largely maintained its assistance programmes for the Gypsy population in the conviction that it would be even more costly to society to reduce or eliminate them.

40. **Ms. Sepúlveda García de la Torre** (Spain) said that the deaths near El Tarajal beach had been investigated by the Spanish judicial authorities, despite the fact that it had not been clear whether they had occurred in Spanish or Moroccan waters. Forensic examinations had shown that the deaths of the migrants had been caused by drowning, not by the rubber bullets fired by the Civil Guard, who had not fired at persons in the water but at persons on the beach who were attempting to flee. Under Spanish law, the only possible offences with which the officers could be charged were homicide or murder. The case was still pending review by the Provincial Court of Cadiz and the investigation could therefore potentially be reopened.

41. **Ms. Shepherd** enquired to what extent the State party's efforts to use education to eliminate stereotypes and barriers for persons of African descent had proved effective. She also wondered whether the State party had made an effort to engage Afro-descendants in Spain in dialogue on the legacy of colonization and its current manifestations. She welcomed the State party's efforts to honour the victims of slavery and the transatlantic slave trade, but would like to know whether there were any measures to ensure access to justice and reparations for Spanish citizens of African descent. She would welcome more information on activities to increase awareness of the culture and experiences of persons of African descent and on how such persons viewed the issue of integration. For example, did they feel that integration would imply a loss of their culture and identity?

42. **Mr. Khalaf** said that he was pleased to learn that foreigners had the same right as citizens to invoke the *amparo* procedure in cases involving discrimination. He remained curious about the State party's policy with regard to ethnic or religious groups at risk of disappearing. Were such groups allowed to live together as a community? He recognized that the State party could not allow migrants to enter its territory without any controls whatsoever, but was concerned that persons seeking international protection were being turned away even before they reached the border. A balance must be found between the need to ensure secure borders and the need to assist the increasing flows of migrants and

prevent further human tragedy. The current extraordinary situation called for extraordinary measures.

43. **Mr. López Soto** (Spain) said that the plan for coexistence was one of the instruments being used in the education sector to combat discrimination. Spanish laws relating to education prohibited discrimination on the basis of gender, religion or race. There was considerable diversity in the school population: on average across Spain, 8.8 per cent of children in schools were foreigners, and in some areas the proportion was over 14 per cent.

44. **Ms. Camy Gavilanes** (Spain) said that the aim of the State party's migration regulations for Ceuta and Melilla was to promote legal migration and prevent illegal entry. Significant financial and human resources had been allocated to the border facilities for that purpose. The intention was to ensure the security of national borders while also meeting the needs of migrants and discouraging them from turning to illegal means that could put their lives at risk. Various legal means of entry existed: migrants could apply for asylum at the border, but some could also apply for entry permits under bilateral labour agreements.

45. **Mr. Cereceda Fernández-Oruña** (Spain) said that extraordinary measures had been adopted to deal with the current migrant situation. The budget of the Office for Asylum and Refugees had doubled and 94 new staff had been hired. In addition significant military, patrol and rescue resources had been deployed, including aircraft and ships, to patrol the sea lanes and intercept and rescue migrants at risk of dying in coastal waters. Spain cooperated with other countries, for example Italy and Mauritania, with a view to discouraging migrants from attempting to reach Spain by sea.

46. **Ms. Minguito Gil** (Spain) said that unfortunately international law did not currently provide for any mechanisms affording international protection to an ethnic or racial group as a whole. The right to seek asylum was an individual, not a collective, right. Spain was implementing exceptional measures of relocation and resettlement that were part of the common migration policy adopted by the European Union to address the current crisis. European efforts to address migration focused on reducing the incentives for illegal immigration, managing borders and ports of entry, and adopting a common policy on legal immigration and asylum.

47. **Mr. Cali Tzay** said that Spain should speed up the adoption of its national action plan to ensure compliance with the Guiding Principles on Business and Human Rights, so that incidents such as those he had referred to in the previous meeting would not be repeated. He had understood the delegation to say that the Roma community's loss of their language had contributed to their integration in Spanish society; if that was true, it would appear to be the result of a policy of assimilation rather than of integration. The State party was to be commended for its efforts to combat discrimination through education and for addressing in its school curricula the historical role that some European countries had played in colonialism and slavery. However, the role of Spain in that regard should be further highlighted in Spanish history textbooks.

48. While welcoming the information on the principle of equal treatment in Spanish law, he wished to know more about how that principle was implemented in practice with respect to migrants. Was it true, for example, that only emergency health care was provided in migrant holding centres and that a lack of treatment for chronic illnesses had resulted in deaths in those centres?

49. He was pleased to learn that foreigners could not be detained for identity checks for more than six hours. However, while that was a step in the right direction, the persons brought in for identification often felt humiliated and powerless and perceived that they had been singled out for identity checks on the basis of racial profiling. He would like clarification regarding the length of the waiting period that must elapse before foreigners

could apply for Spanish citizenship. It seemed that some foreigners were eligible for citizenship after as little as 2 years, while persons of African origin might have to wait for 10 years and must hold a valid work permit.

50. **Ms. Mohamed** asked what specific measures were being taken to address hate speech and acts of violence based on racial discrimination, particularly in schools.

51. **Mr. Machimbarrena Cuerda** (Spain) said that the assimilation of the Roma had first begun with their arrival in Spain in the fifteenth century. The language currently spoken by the Roma community was essentially a dialect of Spanish with words and phrases borrowed from Romani. At the first World Romani Congress, held in 1971, members of the Roma community in Spain had realized that theirs was the only community unable to communicate with other Roma in Europe. That realization had led to a growing interest in the use of Romani as a lingua franca, and efforts were under way to revive the language.

52. **Mr. Cereceda Fernández-Oruña** (Spain) said that there had been one death at a migrant holding centre, in 2011. The person had died of meningitis, which was a fairly rare disease, and the death had been an isolated event that would have been difficult to prevent. While the health conditions in the centres at that time might not have been ideal, efforts had been made since then to remedy any shortcomings.

53. In an isolated event that had occurred in 2006, police officers responsible for security at a migrant holding centre had been accused of having sexual relations with residents of the centre. Charges had been brought against the officers, and in 2015 they had stood trial and been acquitted. In his Government's view, the complaints filed had been duly addressed, and all necessary protection measures were in place. Criminal proceedings against law enforcement officials automatically led to parallel administrative proceedings for improper treatment of persons in their care. Administrative penalties ranged from 3 months' suspension to dismissal.

54. The number of foreigners brought to police facilities for identification had decreased significantly in 2015. Such persons were not detained; they were merely required to wait until the administrative procedures had been completed. They were given a document that explained the reasons for the identity check and listed the names of the officers involved. The Ministry of the Interior was currently developing a computerized system that would systematize the data collected and forward it to the Public Prosecution Service where appropriate.

55. **Ms. Minguito Gil** (Spain) said that the temporary migrant reception centres served as initial points of contact for migrants and, as such, provided basic social services, including health care. Such services were not limited to emergency care; they also included initial medical check-ups upon admission, any necessary treatment for illnesses and preventive care to prevent the spread of infections. When necessary, migrants were referred to a local hospital. Health-care professionals were available for medical consultations eight hours per day, with priority given to children and pregnant and breastfeeding women.

56. **Ms. Camy Gavilanes** (Spain) said that one means of obtaining Spanish nationality was to establish residency in the country. While applicants were generally required to have resided in the country for 10 years, that requirement was reduced to 5 years for refugees and 2 years for nationals of countries that had strong historical, linguistic and cultural ties to Spain.

57. **Mr. López Soto** (Spain) said that measures to prevent harassment and violence against ethnic minorities were included in the plan for peaceful coexistence in schools, which comprised three pillars: training for teachers and other school staff, coordination among school authorities and other bodies, and prevention and monitoring of bullying and

abuse and support for victims. Schools had adopted protocols based on those three pillars. A web portal had been set up to disseminate information about the plan, along with other relevant materials.

58. **The Chair** said that the Committee strongly encouraged the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). Noting that 20 per cent of the funding received from the European Structural and Investment Funds must be spent on social inclusion initiatives, she invited the State party to provide information in a future report on how those funds were being used in Spain to address racial discrimination.

59. Truancy among Roma students should be treated as a symptom of a greater problem rather than as a problem in itself. There was a need for widespread, appropriate interventions to address discrimination against them in the education system, both in the curriculum and in practice. She encouraged the State party to promote best practices in migration at the European level and to use its influence to make European instruments more effective in protecting human rights.

60. **Mr. Murillo Martínez** (Country Rapporteur) said that, despite the major challenges Spain was facing, it had made great progress towards fulfilling its obligations under the Convention. Spain was a young democracy and was currently at a political crossroads. He hoped that it would be able to further bolster its efforts to address the humanitarian crisis faced by persons seeking international protection in Ceuta and Melilla. It might be appropriate to consider closing some of the migrant holding centres, bearing in mind that some of them were former prisons and did not offer suitable living conditions.

61. Concerning the incident at El Tarajal beach, it was difficult to understand how a case in which video evidence showed misconduct by members of the Civil Guard had not resulted in any legal consequence for those involved. He urged the State party to ensure appropriate judicial oversight so that the case could be properly heard at second instance.

62. While there had been a clear reduction in the use of racial profiling, further efforts were needed. He was concerned that newly adopted legislation would allow for the filing of anonymous complaints accusing individuals of radicalization, which could lead to Islamophobia and discrimination against Muslims.

63. He welcomed the State party's engagement in dialogue about the history of slavery, and he hoped to see further dialogue with persons of African descent in Spain. At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the then Secretary-General of the United Nations, Kofi Annan, had invited countries that had been involved in the trans-Atlantic slave trade to recognize that phenomenon as a crime against humanity. There was no doubt that the historic legacy of slavery continued to have an impact on persons of African descent, and he welcomed the State party's efforts to give visibility to that aspect of its history in the education system. Those efforts should be further strengthened so as to ensure a more balanced view of history.

64. **Ms. Menéndez** (Spain) said that there was no better way for her Government to demonstrate its political commitment to the Convention than by including in its delegation the persons who were best equipped to explain the measures being taken in the country and to understand the Committee's recommendations. Her Government recognized the right of human rights treaty bodies to interpret their mandate as widely as possible. However, it did not agree with the tendency to reopen or reinterpret the distant past. While it was important to properly educate people about the past in order to ensure a better future, her Government did not support the extension of contemporary concepts and obligations to events that had taken place centuries earlier.

65. **Her delegation was surprised and disappointed that the Committee had not raised the issue of the rights of lesbian, gay, bisexual, transgender and intersex persons during the dialogue. The two recent homophobic attacks in Madrid showed that further work remained to be done to address discrimination against that group, and her delegation hoped to be able to count on the Committee for guidance in that regard.**

66. **The Chair assured the delegation that the Committee was particularly concerned about the intersectionality of racial discrimination and discrimination against lesbian, gay, bisexual, transgender and intersex persons. The Committee would gladly address the issue in its concluding observations.**

The meeting rose at 1.05 p.m.